UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE "A MILLION LITTLE PIECES LITIGATION") 06 MD 1771 (RJH)

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DECLARATION OF MITCH KALCHEIM IN SUPPORT OF PLAINTIFF SARA RUBENSTEIN'S MOTION FOR APPOINTMENT OF INTERIM COUNSEL

I, Mitch Kalcheim, hereby declare as follows:

1. I am a member the law firm of Kalcheim Salah, co-counsel for Plaintiff Sara Rubenstein in this matter. I make this declaration in support of Ms. Rubenstein's motion for the appointment of my firm and the law firm of Shalov Stone & Bonner LLP ("SSB") as interim counsel for the proposed class in this litigation. I have personal knowledge of the facts set forth herein.

2. Since 1994, I have devoted my legal career to the prosecution of consumer class actions on behalf of plaintiffs. As is reflected in my resume and the sample cases attached hereto as Exhibit A, I have achieved numerous substantial recoveries for plaintiff classes.

3. Nearly all of my work in class actions is as lead counsel or co-lead counsel for classes. I do not file numerous "tag along" actions or, with very rare exceptions, serve as one of the numerous subsidiary firms involved in, but not leading, the prosecution of class actions.

4. My firm has substantial financial and personnel resources to devote to the prosecution of this action.

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5. On January 12, 2006, my firm, along with SSB, filed the first of the actions currently pending before the Court on behalf of Ms. Rubinstein, who is a California resident.

6. After Ms. Rubinstein filed her action, numerous other similar cases were filed by other plaintiffs. The consolidated cases currently pending before this Court consists of a number of lawsuits commenced in at least six states across the country, including cases that were removed from various state courts. All were "multidistricted" and assigned to this Court by the Judicial Panel on Multidistrict Litigation ("JPML").

7. On February 10, 2006, my firm, SSB and other counsel for certain of the Plaintiffs wrote counsel for Random House regarding a settlement proposal. We received no written response to that proposal, and neither Kalcheim Salah nor SSB received any communications from any Defendants' counsel regarding a potential settlement.

8. Neither my firm nor Ms. Rubinstein was ever informed of the time or place of any settlement conference or negotiation. We first learned of the terms of the proposed settlement in this action from the press shortly before the recent status conference held by the Court. We first learned that there was a firm settlement proposal when counsel for Defendant Random House wrote the Court to inform it of the settlement and that two firms were being proposed as lead counsel for the Plaintiffs. In advance of the recent status conference, neither of the nominated lead counsel submitted any writing to the Court concerning the proposed settlement or their applications to be named as lead counsel.

9. Neither Plaintiff Rubinstein nor her counsel were consulted about whether she consented to have someone other than her counsel speak on her behalf.

I hereby declare under the penalty of perjury this 22nd day of September 2006 that the foregoing is true to the best of my knowledge, information and belief.

/s/ Mitch Kalcheim